

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT NEW YORK

CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
JULY 16 2007  
116/07  
CLERK'S OFFICE

Jiangsu Changlong Chemicals Co., Ltd.,

Plaintiff,

- against -

Burlington Bio-Medical Corporation a/k/a  
Burlington Bio-Medical & Scientific Corporation  
a/k/a Burlington Scientific Corporation,

Defendants.

Civ. No. 2:05-CV-2082 (LDW)(WDW)

AMENDED JUDGMENT

Plaintiff Jiangsu Changlong Chemical Co. Ltd. ("Changlong") having filed a motion for summary judgment seeking recognition and enforcement of the foreign arbitration award at issue in this action, dated June 23, 2004 and amended on July 7, 2004 (as amended, the "Arbitration Award"), pursuant to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, codified at 9 U.S.C. §§ 201-208; and

In support of the summary judgment motion, Changlong having filed and served a Notice of Motion, dated August 26, 2005, a Statement of Undisputed Facts pursuant to Rule 56.1 of the Local Rules of this Court, the Affidavit of James Rosenfeld, dated August 26, 2005, with exhibits annexed thereto, and a Memorandum of Law in support thereof; and

In opposition to the motion, Defendant Burlington Bio-Medical Corporation a/k/a Burlington Bio-Medical & Scientific Corporation a/k/a Burlington Scientific Corporation ("Burlington") having filed and served the Affidavit of Dominick Sartorio in Opposition to Plaintiff's Motion for Summary Judgment, dated September 26, 2005, with exhibits annexed thereto, a Rule 56.1 Counter-Statement, and an opposing Memorandum of Law; and

In further support of the motion, Plaintiff Changlong having filed and served the Affidavit of Jerome Cohen, dated October 20, 2005, and the Reply Affidavit of James Rosenfeld, dated November 4, 2005, with exhibits annexed thereto, and a Reply Memorandum of Law; and

The Court, having considered all papers, pleadings and proceedings herein, and having issued a Memorandum and Order, dated November 22, 2005, (i) granting the motion for summary judgment, and (ii) instructing Changlong to submit a judgment, on notice, granting the relief set forth in the Arbitration Award; and

The Court having considered a judgment submitted by Changlong and having considered a proposed counter-judgment submitted by Burlington; and

The Court having entered judgment granting Changlong the relief set forth below, in a total amount of \$2,014,302.12, on December 12, 2005 (the "Judgment"); and

Changlong having filed a motion to amend the caption and Judgment on or about October 13, 2006; and

In support of the motion to amend the caption and Judgment, Changlong having filed and served a Notice of Motion, dated October 11, 2006, the Affirmation of Todd Strassberg, dated October 11, 2006, with exhibits annexed thereto, the Affidavit of Melvin Blum, dated October 11, 2006, with exhibits annexed thereto, and a Memorandum of Law in support thereof; and

Burlington having submitted a letter to the Court dated November 7, 2006, in opposition to Changlong's motion to amend the caption and Judgment; and

Changlong having submitted a letter to the Court dated November 14, 2006 in reply to Burlington's submission and in further support of its motion to amend the caption and Judgment; and

The Court, having considered all papers, pleadings and proceedings herein, and having issued a Memorandum and Order, dated December 6, 2006, granting the Motion to Amend the Caption and Judgment;

WHEREFORE it is hereby ORDERED AND ADJUDGED as follows:

1. The Arbitration Award is hereby recognized by the Court.
2. Amended Judgment shall be and is entered against Burlington on Changlong's First Claim for Relief, as follows:
  - (a) in the principal amount of \$1,775,880, together with pre-judgment interest at the rate of six percent (6%) per year (set by the Arbitration Award as the rate applicable to the payment in U.S. dollars) from August 7, 2004 through the date the Judgment was entered (on December 12, 2005), in the amount of \$143,335.18, for a total of \$1,919,215.18 (including pre-judgment interest);
  - (b) in the amount of RMB 400,000 for legal fees and RMB 318,412 for arbitration fees, for a total of RMB 718,412, or \$89,083 (under the conversion rate prevailing as of the date of the Judgment), together with pre-judgment interest at the rate of five percent (5%) per year (as set by the Arbitration Award as the rate applicable to the payment in RMB) from August 7, 2004 through the date the Judgment was entered (on December 12, 2005), in the amount of \$6,003.94, for a total of \$95,086.94 (including pre-judgment interest); and

- (c) post-judgment interest under 28 U.S.C. § 1961 shall accrue on the total Amended Judgment amount from the date of entry of the Judgment (on December 12, 2005), until the Judgment is satisfied.
3. The caption shall be and is amended as reflected in the caption of this Amended Judgment.
4. The Clerk of the Court is directed to enter this Amended Judgment in accordance with the aforesaid.

Dated: Jan. 4, 2007  
Central Islip, NY

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Hon. Leonard D. Wexler  
United States District Judge